

REMARKS**I. Status of Claims**

Claims 33-36, and 38-51 are pending. Claims 33, 36, and 39 are independent. Claims 33, 36, 38, and 42 are amended. Claims 49-51 are newly added. Claims 1-32 and 37 are canceled.

Claims 33, 35-36, and 38-48 stand rejected under 35 U.S.C. 112, first paragraph. Claims 39-48 stand rejected under 35 U.S.C. 112, second paragraph. Claims 33, 35-36, and 38 stand rejected as allegedly being clearly anticipated under 35 U.S.C. 102(e) by U.S. Patent No. 5,957,971 to Schwartz.

II. Objections to the Specification

The specification is amended to correct minor editorial problems.

III. Claim Objections

Claim 42 is amended to correct any perceived ambiguity.

IV. Drawing Objections

Applicant respectfully requests reconsideration of the drawing objection. Figures 1-8 clearly show inner and outer linings. As described in detail in the original disclosure (See U.S. Patent No. 6,645,241 at 4:43-64), the lining is in an initial wrinkled state around the unexpanded stent. The lining smoothes out as the stent expands from the state within the narrow lumen to the state within the wide lumen. The structure shown in the figures clearly demonstrates to one of ordinary skill in the art the correlation being the structure (e.g. the lining) and the recited function of claims 33 and 36. Therefore, separate figures showing the wrinkled and smooth states should not be necessary to one having ordinary skill in the art to understand the invention.

For at least these reasons, the drawing objection should be withdrawn.

V. Rejections under 35 U.S.C. 112, 1st Paragraph

Claims 33-36, and 38-48 stand rejected under 35 U.S.C. 112, first paragraph.

The claim amendments submitted on September 8, 2003 (in the form of a preliminary amendment) correspond to features of the invention described in the original disclosure. For example, support for the limitations is at least found in related U.S. Patent No. 6,645,241 (the present application is a continuation of this application) as follows:

- ...the lining being continuous and connected along the structure and expandable therewith. See Claim 1.
- ...wherein the lining is biodegradable. See 3:27-29.
- ...the lining comprises several layers. See 4:6-10.
- ...wherein at least two layers are interfaced with a different medication. See 4:6-10.
- ...wherein the lining contains pores. See claims 6-7, 4:30-33, and 5:1-7.
- Claims 39-48 are at least supported at 4:43-64 of the '241 specification.

For at least these reasons, the rejection of claims 33, 35-36, and 39-48 should be withdrawn.

VI. Rejections under 35 U.S.C. 112, 2nd Paragraph

Claims 39-48 stand rejected under 35 U.S.C. 112, second paragraph.

The limitations of claims 39-48 are discussed in detail in the original disclosure (See U.S. Patent No. 6,645,241 at 4:43-64). Specifically, with reference to figures 5-6, the specification describes a tubular structure defining first, second, and third 31, 31' fluid orifices. Each of the three fluid orifices expand from a first opening size to a second opening size when the structure itself expands. In other words, the diameter of the openings expand as the structure (e.g. a stent) expands from the unexpanded state. As evident in figures 5-6, two of the orifices are located on the same axis. Therefore, when read in light of the original disclosure, claims 39-48 are not misleading or confusing as alleged by the Examiner.

For at least these reasons, the rejection of claims 39-48 should be withdrawn.

VII. Rejections under 35 U.S.C. 102(e)

Claims 33-36, and 38 stand rejected as allegedly being clearly anticipated under 35 U.S.C. 102(e) by U.S. Patent No. 5,957,971 to Schwartz.

The undersigned submits that claim 33 is at least patentable over Schwartz because it recites, “...a lining comprising a polymer interfaced with a medication...the lining being continuous and connected from a first end of the structure to a second end of the structure.” (emphasis added)

The undersigned submits that claim 36 is at least patentable over Schwartz because it recites, “...the lining comprises several layers of which at least two layers are interfaced with different medications.” (emphasis added)

With respect to claim 33, Applicant submits that Schwartz ‘971 does not disclose or suggest providing a lining as claimed which comprises a polymer interfaced with medication. Moreover, claim 33 requires that the lining is continuous and connected from a first end of the structure to a second end of the structure. Regarding claim 36, Applicant submits that Schwartz ‘971 does not disclose a lining which comprises several layers of which at least two layers are interfaced with different medications. Comparatively, Schwartz ‘971, in Figure 2, discloses a single layer of fibrin film 32, which is a naturally occurring polymer of fibrinogen that arises during blood coagulation, which is affixed to only a middle portion of the stent. Further, the fibrin film 32 does not include medication.

For at least the reasons set forth, claims 33 and 36 and their dependent claims are patentable over Schwartz ‘971.

The Applicant also respectfully submits that the limitations of claim 39 are neither disclosed nor suggested by the prior art of record. Specifically, the Schwarz ‘971 reference does not disclose or suggest first, second, and third fluid orifices.

For at least the reasons set forth, claim 39 and its dependent claims are patentable over Schwarz ‘971.

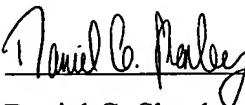
VIII. Conclusion

In view of the above amendments and remarks, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

The Commissioner is authorized to charge any fees or credit any overpayments which may be incurred in connection with this paper under 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

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Daniel G. Shanley
Reg. No. 54,863

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201